

Karr Tuttle Campbell faxserver VERPA Page 1 of 3 Received 5/12/2006 9:08:24 AM [Pacific Daylight Time]

Honorable Judge Samuel J. Steiner  
Chapter 7  
Trial Date: April 18, 2006

Michaelanne Ehrenberg, WSBA #25615  
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Corporation

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT  
OF WASHINGTON AT SEATTLE

In re

DONALD WESLEY BRITTIAN,  
Debtor.

Case No. 05-23328-SJS

DONALD WESLEY BRITTIAN,  
Plaintiff,

Ad. Pro. No. 05-01398-SJS

v.

ORDER FINDING PLAINTIFF'S  
STUDENT LOANS NON-  
DISCHARGEABLE

AES/PHEAA; AFSA; CHARTER ONE BANK;  
FMC-OMAHA SERVICE CENTER; GREAT  
LAKES EDUC. SERV.; HOME STUDY INT'L;  
KEY BANK; NELNET; UNIPAC; WELLS  
FARGO EDUC. SERV.; MICHIGAN  
GUARANTY AGENCY; and EDUCATIONAL  
CREDIT MANAGEMENT CORPORATION,  
as a substituted party,  
Defendants.

This matter having come on for trial before the Court on April 18, 2006, and the Court  
having incorporated the stipulated facts and exhibits admitted into evidence in the parties' joint

ORDER FINDING PLAINTIFF'S STUDENT  
LOANS NON-DISCHARGEABLE - 1  
#581,598 vl / 32859-168

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1 pre-trial order, and having entered its Findings of Facts and Conclusions of Law on the record on  
 2 May 8, 2006, it is hereby ordered as follows:

3  
 4 Based upon the testimony of Plaintiff, exhibits presented and admitted into evidence, the  
 5 arguments of counsel and for the reasons stated on the record, Plaintiff Donald Wesley Brittan  
 6 did not sustain his burden of proof as to the undue hardship test set forth in Brunner v. New York  
 7 State Higher Educ. Assistance Agency (In re Brunner), 831 F.2d 395 (2d Cir. 1987) (hereinafter,  
 8 the "Brunner Test"), which the Ninth Circuit employs to determine the dischargeability of student  
 9 loan debt under 11 U.S.C. § 523(a)(8). Specifically, Plaintiff failed to meet the third prong of the  
 10 Brunner Test, which measures a debtor's good faith with respect to repayment of the student  
 11 loans.  
 12

13  
 14 It is further ordered and decreed as follows:

15 1. That the student loan debts owed by Plaintiff to ECMC and TERI are not discharged  
 16 pursuant to 11 USC §523(a)(8). and

17 2. That the parties shall bear their own costs and attorneys' fees incurred herein.

18  
 19 DONE IN OPEN COURT this 15th day of May, 2006.

20  
 21 By: 

22 HON. SAMUEL J. STEINER  
 23 U.S. Bankruptcy Judge  
 24  
 25  
 26  
 27  
 28

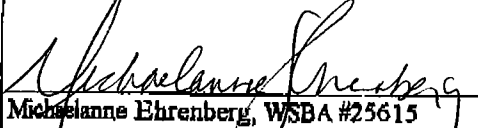
ORDER FINDING PLAINTIFF'S STUDENT  
 LOANS NON-DISCHARGEABLE - 2  
 #581398 v1 / 32859-168

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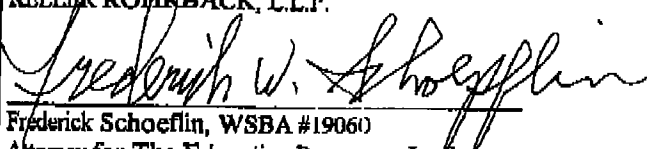
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1 Approved for Entry  
2 KARR TUTTLE CAMPBELL.

3   
4 Michaelanne Ehrenberg, WSBA #25615  
5 Attorney for Educational Credit Management  
6 Corporation

7 Approved for Entry  
8 KELLER ROHRBACK, L.L.P.

9   
10 Frederick Schoeflin, WSBA #19060  
11 Attorney for The Education Resources Institute

12  
13 Approved for Entry

14   
15 Richard D. Granvold, WSBA# 16903  
16 Attorney for Plaintiff  
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ORDER FINDING PLAINTIFF'S STUDENT  
LOANS NON-DISCHARGEABLE - 3  
#58259 v1 / 32859-168

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